

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FEDERAL HOUSING FINANCE AGENCY,

Plaintiff,

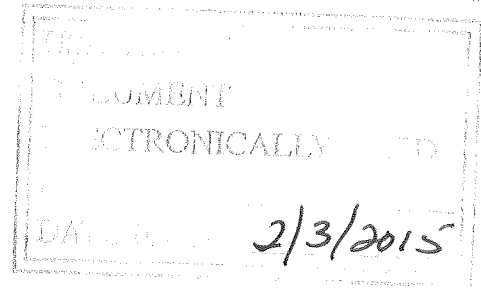
-v-

NOMURA HOLDING AMERICA, INC., et al.,

Defendants.
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11cv6201 (DLC)

ORDER



DENISE COTE, District Judge:

On November 25, 2014, defendants moved in limine to preclude plaintiff from introducing any evidence or argument seeking to blame defendants for the housing or financial crisis, including through the testimony of plaintiff's expert James Barth ("Barth"), whom plaintiff intends to offer to rebut defendants' expert Kerry Vandell, whom defendants intend to offer to testify with respect to the loss causation defense under Section 12 of the Securities Act. The motion was fully submitted on December 15, 2014.

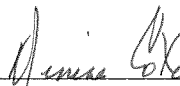
It is clear, especially from defendants' reply memorandum, that the central thrust of the motion is that, were plaintiff allowed to present evidence, including through the expert testimony of Barth, that defendants were in any way to blame for the housing or financial crisis, it would unfairly prejudice the

jury. See Fed. R. Evid. 403; United States v. Dupree, 706 F.3d 131, 138 (2d Cir. 2013). After this motion became fully submitted, plaintiff was granted leave to withdraw its claims under Section 11 of the Securities Act, and the remaining claims will now be tried before the Court, not before a jury.

Accordingly, it is hereby

ORDERED that defendants' motion to preclude plaintiff from introducing evidence or argument, including through the testimony of Barth, that seeks to blame defendants for the housing or financial crisis, is denied as moot.

Dated: New York, New York
February 3, 2015



DENISE COTE
United States District Judge